

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Police- Reinstatement of 17 removed SIs into the Service by relaxing the relevant Rules – Orders - Issued - Regarding.

HOME (SERVICE.II) DEPARTMENT

G.O.Ms.No. 222

Dated:27 .10.2008
Read the following:

1. Notification Rc.No.534/R&T/Admn.1/97,dated:11-3-1998
2. O.A.Nos.2172/1998 and batch cases filed at Hon'ble APAT, Hyderabad, by Sri. P.Praveen Kumar and other.
3. Orders of the Hon'ble Tribunal in O.A. Nos. 2172/1998 and batch cases, dated:24-9-1998
4. Common order of the Hon'ble Tribunal in O.A.No.470/99 filed by H.Shankar & O.A.No. 639/99 filed by B.Venkateswarlu and two others, dated:18-8-1999
5. Govt.Memo.No.23270/Pol.C-2/98-10, dated:2-12-1999
6. Govt.Memo.No.3488/Pol.C-2/2000-1,dated:31-1-2000, and 4889/Pol.C-2/2000-1, dated:7-3-2000
7. Memo No.155/R&T/Admn.1/2000, dated:8-9-2000, and Memo No.151/R&T/Admn.1/2001, dated:28-12-2001, of the Chairman, SLPRB, Hyderabad.
8. W.P.Nos.34306 of 1998 and batch cases file by the Government of Andhra Pradesh against the order of APAT in O.A. Nos.2172/98 and batch cases.
9. Orders of the Hon'ble High Court of A.P, in W.P.Nos.34306 of 1998 and batch cases, dated: 24-2-2005,
10. Memo No.249/R&T/Sc.3/98, dated:7-3-2005, of the Chairman, SLPRB, A.P., Hyderabad.
11. Representation dated:17-3-2005 of S/Sri.Y.Prakash Reddy and others.
12. Orders of the Hon'ble Supreme Court of India in SLP Nos.6736/2005 filed by M. Jithender Reddy & others and 8237/2005 filed by M.G.S.Rama Krishna and others, dated:11-4-2005
13. Govt. Memo. No.6173/Leg.I/A2/2005-6, dated:13-7-2005
14. Orders of the Hon'ble Supreme Court in SLP No.8237/2005, dated: 5-9-2005
15. Orders of the Hon'ble Tribunal in O.A.No.5610/2005 in C.A.No.790/2005 and batch, dated: 23-9-2005
16. Govt.Memo.No.6173/Leg.I/A2/2005-9, dated:22-12-2005
17. Orders of the Hon'ble Supreme Court in SLP No.8237/2005 in I.A.Nos. 7-8/2006, dated:5-6-2006
18. Interim Orders of the Hon'ble Supreme Court in SLP No. 8237/2005 in I.A.Nos. 7-9/2006, dated:19-10-2006

ORDER:

In the notification 1st read above, a notification was issued by the SLPRB, Hyderabad, on 11-3-1998, duly calling the applications from the eligible candidates for the recruitment of Sub-Inspectors in various categories in Visakhapatnam, Eluru, Guntur, Hyderabad and Hyderabad City Zones prescribing upper age limit as (25) years .

2. In the reference 2nd read above, among others, (15) over aged candidates i.e S./Sri. (1)Arif-ur-Rehman, (2)R. Srinivasa Reddy, (3)Y. Prakash Reddy, (4)P. Ramachandra Rao, (5)M.Jitender Reddy, (6) Y. Yugandar Reddy, (7)M.V.Srinivasa Rao, (8) Ch. Rama Murthy Naidu, (9)P. Kasi Viswanandham, (10) K. Satish Chander Rao, (11) P.C.V.Subba Reddy, (12) A.Naga Murali, (13) P. Srinivasa Rao, (14) S. Raghunath and (15) P. Bikshapathi Rao have approached the Hon'ble Tribunal duly filing O.A.Nos.2172/1998 and batch cases for seeking order on considering their applications by the SLPRB to attend the selection process of Sub-Inspector of Police (Civil).

3. In the reference 3rd read above, the Hon'ble Tribunal have passed the following interim order on 17.4.1998:

"Pending Disposal of the main O.As you are directed to extend the benefit of G.O.Ms.No.561, Dated :11.10.88 as upheld by the Supreme Court by giving age relaxation of five years to the applicants and allow them to appear for fitness test and written test to the posts of Sub-Inspectors if they are otherwise eligible. Order follows."

Finally, the Hon'ble Tribunal have disposed of O.A.Nos.2172/1998 and batch cases on 24-9-1998 by allowing the O.As.

4. In the reference 4th read above, the orders of Hon'ble Tribunal in O.A.No.470 and 639 of 99, dated:18.8.1999, reads as follows:-

"On a consideration of the material placed before us, we are of the considered view that the Respondents have not followed the procedure prescribed in the Presidential Order. However, since the selections are over and selected candidates have already been sent for training, we do not propose to quash the entire selection process. We direct the due to non-joining of candidates or the vacancies that arose subsequent to the issuance of the Notification.

Considering the submissions made by both the parties, the Respondents are directed to publish the results of the Applicants in these OAs. The Respondents are further directed to send the Applicants who have obtained more marks in the OC category than any candidate who is being sent for medical examination and training for medical examination and training.

We direct the official respondents to appoint these selected candidates in the existing vacancies that arose subsequent to the Notification. However, their appointments will be subject to the out-come of W.P.No.34306/98 on the file of High Court of A.P., Hyderabad.

In the result we hold that:

1. The Selection to the post of Sub-Inspector (Civil) is a multi-zone cadre selection and the procedure stipulated in G.O (P).No.763, GA (SPF) Dept., dated:15.11.1975 should be followed.
2. The Respondents have to compute the total number of vacancies available as on the date of the Notification i.e. 11.3.98.
3. The Respondents are directed to appoint the Applicants as Sub-Inspectors (Civil). However, their appointment will be subject to the outcome of W.P.No.34306/98 on the file of the High Court of Andhra Pradesh, Hyderabad.

The O.As are disposed of accordingly”.

5. In the references 5th to 7th read above, all 17 SIs (12+3+1+1), i.e. (15) persons mentioned at para-2 above, and Sri.M.G.S.Rama Krishna PC1064 of W.G. District, and Sri. G.Subba Rao, P.C.2106, Nellore Traffic P.S., were sent for training subject to impose strictly a condition that their appointment as Sub-Inspector of Police shall be subject to review on the results of the appeals pending before APAT / APHC / Supreme Court of India as the case may be.

6. In the reference 8th read above, Government have filed in W.P.No.34306/1998 before the Hon’ble AP High Court against the judgment i.e., O.A.No.2172/98 and batch cases of the Hon’ble APAT.

7. In the reference 9th read above, the Division Bench of the Hon’ble High Court while disposing the case on 24.2.2005 have passed the following final orders:-

Among the list of 23 candidates who were selected and appointed by virtue of various orders subject to result of W.P.No.34306/1998 and batch, we find Sl.No.1 to 15 (mentioned at para-2 above) were appointed subject to result W.P., and SL.No.16 to 23 who are figuring in the list were within the age but according to the Government they were less meritorious. But, however, in view of our finding in W.P.No.34306/98 that the applicants have no right to claim higher age than 25 years, the claim of the persons at Sl.No.1 to 15 (mentioned at para-2 above) is liable to be set aside. Accordingly, even though, some of them are in the merit list and some of them are not in the merit list, it makes no difference for they were over aged and they are not entitled to participate in the selection process at all. Thus, the OAs filed by the following 15 persons (mentioned at para-2 above) stand dismissed.

8. Further, in the above said judgment, the Hon’ble High Court has considered Sri.M.G.S.Rama Krishna and Sri. G.Subba Rao as less meritorious, with in aged group and ordered that these two persons are not entitled for appointment.

9. In the reference 10th read above, based on the Final Orders of the Division Bench of the Hon’ble High Court, Hyderabad, in W.P.No.34306/1998 and batch, dated:24.2.2005, the Chairman, SLPRB, Hyderabad, in his letter dated 7.3.2005 has issued orders to the DIG, H/R, Hyderabad, E/R, Eluru and K/R, Kurnool, to remove the above said 17 SIs (Civil) 1998 from service immediately and send compliance report to his office, as he is one of the petitioners among others in the above said WP for implementing the orders of the Division Bench of Hon’ble High Court.

10. In the reference 11th read above, Sri. Y.Prakash Reddy and others have represented the Government to continue their services as S.Is. of Police.

11. In the reference 12th read above, among the above 17 removed SIs, S./Sri M.Jitender Reddy and MGS Rama Krishna & others were filed two SLPs, i.e. one SLP.No.6736/2005 and second SLP No:8237/2005 before the Hon'ble Supreme Court of India. In one SLP No:6736/2005 Sri M. Jitender Reddy and others prayed for interim relief against the orders of the Division Bench of Hon'ble High Court in W.P.No.34306/98, dated 24.2.2005. In the second SLP No: 8237/2005, filed by Sri. MGS Rama Krishns & others prayed for permission to file SLP. Out of the two SLPs, one SLP No.6736/2005 was dismissed as there are no merits, and in second SLP No.8237/2005 permission to file special leave petition is granted by the Hon'ble Supreme Court.

12. In the reference 13th read above, Government have issued orders duly setting aside the orders passed by the Chairman, SLPRB, Hyderabad, and the Range DIGs concerned vide RC.No.249/R&T/SC-3/98, dated:7.3.2005, terminating their services duly treating this as an exceptional case. Accordingly, the DGP and the Chairman, SLPRB, have also been directed to take further urgent action in the matter.

13. In the reference 14th read above, the SLP.No.8237/2005 which is filed by the petitioners, came up for hearing on 5.9.2005 and the same was disposed in the Hon'ble Supreme Court of India with the following orders:-

"It is stated that Memorandum has been issued by the Govt. granting relief to the petitioners. In that view of the matter, the petition is not pressed. The Special Leave Petition is disposed of accordingly".

14. In the reference 15th read above, the Hon'ble APAT have passed the following interim orders in OA No: 5610/2005 and batch on 23.9.2005.

"Pending further orders, there shall a direction to the 2nd respondent (i.e. DIGs) to issue appropriate consequential orders in pursuance to Memo.no.6173/Leg.I/A2/2005-06, dt:13.7.2005 of the Government within a period of 2 weeks from the date of receipt of this order and re-induct and give posting to the applicant as Sub-Inspector of Police".

15. In the reference 16th read above, Government have reviewed the position and decided to rescind the orders issued in Govt.Memo dated:13.7.2005 which was already kept in abeyance.

16. In the reference 17th read above, Sri M.G.S. Rama Krishna and others have filed IA Nos:7/2006 in SLP(C) No:8237/2005 in the Hon'ble Supreme Court of India praying for:

- (a) To allow the present application and recall the order dated 5.9.2005 and restore the Special Leave Petition (C) No.8237/2005 to its original no. and for hearing the same on merits;
- (b) To pass any such other (s) as this Hon'ble Court may deem fit and appropriate in the facts and circumstances of the case .

The same petitioners have also filed another IA No: 8/2006 in SLP © No:8237/2005 in Hon'ble Supreme Court of India praying for

- (a) To grant ad-interim stay/suspension of the operation of Memo No:6173/Leg.1/A2/2005-9 dated 22.12.2005 issued by the Government of Andhra Pradesh
- (b) To pass any such order(s) as this Hon'ble Court may deem fit and appropriate in the facts and circumstances of the case.

The above IAs have come up before the Hon'ble Supreme Court of India on 5.6.2006 and passed **interim stay order**.

17. In the reference 18th read above, the Hon'ble Supreme Court of India have passed the following orders in I.A. Nos. 7 to 9 on 19-10-2006:

"I.A. No. 7 Application for recalling order dated:5.9.2005 is allowed.

The Special Leave Petition be restored to its original number. Further proceedings in the Contempt petition initiated by the High Court shall remain in abeyance until further orders. In that view of the matter, there shall not be any impediment on the Government implementing any decision it has taken".

18. Government have reviewed the entire matter afresh, with reference to the final orders issued by the Division Bench of the Hon'ble High Court in W.P.No.34306/98 and batch, by taking into consideration of the orders dated 19-10-2006 of the Hon'ble Supreme Court in SLP No. 8237/2005 in I.A.Nos. 7-9/2006 and judgment of the Hon'ble Supreme Court of India in Putta Swamy Vs Chief Justice of Karnataka Case, and after careful examination of the entire issue, Government hereby reinstate the following (15) candidates ,who were removed from the service of S.Is of Police, on the grounds of over aged/less merit , by relaxing Rule 3 of Special Rule of the A.P. Police (Stipendiary Cadet Trainee) Rule issued vide G.O.Ms.No.315, Home Department, dated:13-10-1999, and by invoking Rule 31 of A.P.State & Sub-ordinate Service Rules, 1996 i.e. by relaxing the upper age limit:

(1)Arif-ur-Rehman, (2)R. Srinivasa Reddy, (3)Y. Prakash Reddy, (4)P. Ramachandra Rao, (5)M.Jitender Reddy, (6) Y. Yugandar Reddy, (7)M.V.Srinivasa Rao, (8) Ch. Rama Murthy Naidu, (9)P. Kasi Viswanandham, (10) K. Satish Chander Rao, (11) P.C.V.Subba Reddy, (12) A.Naga Murali, (13) P. Srinivasa Rao, (14) S. Raghunath and (15) P. Bikshapathi Rao

19. Further, Government after careful consideration , and in view of the judgment of the Hon'ble Supreme Court of India in Putta Swamy Vs Chief Justice of Karnataka case, hereby reinstate the two more candidates ie. Sri.M.G.S.Rama Krishna and Sri. G.Subba Rao, who were removed from the service of S.I's of Police on the grounds of less merit but within age group, into the service on humanitarian grounds and by invoking Rule 31 of AP State & Sub-ordinate Service Rules,1996, as a special case.

20. Further Government, hereby decide to condone the break period / out of service of the above said, seventeen (17) candidates, ie. from the date of termination to the date of reinstatement into service to link the past service to the present service, under note 2 of FR 26 (a) , Rule 27(1)(d) and Rule 28 of Andhra Pradesh Revised Pension Rules (APRPRs),1980.

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21. This order is issued subject to the out come of final orders of the Hon'ble Supreme Court of India in SLP No.8237/05 in IA Nos.7-9/2006.

22. This order issues with the concurrence of Fin.(FR.II)Department vide their U.O.No.8462 /606/FR.II/2008, dated:29-9-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**AJOYENDRA PYAL
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Director General of Police, A.P. Hyderabad.

The individuals (through the Director General of Police, A.P., Hyderabad).

The Chairman, State Level Police Recruitment Board, Hyderabad.

Copy to:

The Director of Treasuries and Accounts, Hyderabad.

The P.A.O. Hyderabad.

The Advocate on Records, Supreme Court of India, New Delhi.

The Govt.Pleader for Home (Ser), APAT, Hyderabad

P.S. to Prl.Secy.to Hon'ble C.M.

P.S. to M(Home)

SC/SF

// FORWARDED :: BY ORDER //

SECTION OFFICER